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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/964,698 | 09/28/2001 | Yoshiki Sugita | Q66224 | 4746 |
| 7590 | 12/30/2003 | | EXAMINER | |
| SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037 | | | NGUYEN, THU V | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3661 | |

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/964,698 | SUGITA, YOSHIKI |
| | Examiner Thu Nguyen | Art Unit 3661 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-6 is/are pending in the application.
 - 4a) Of the above claim(s) 1,5 and 6 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) 3 and 4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 October 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

The amendment filed on October 16, 2003 has been entered. By this amendment, claim 2 has been canceled, and claims 1, 3-6 are now pending in the application. Among the pending claims, non-elected claims 1, 5-6 have been withdrawn from consideration.

Ex Parte Quayle

1. This application is in condition for allowance except for the following formal matters:

Claim Objections

2. Claims 3-4 are objected to because of the following informalities:
 - a. In claim 3, line 8, the claimed “if there is *to* change in the learned value” should be corrected to “if there is no change in the learned value”, since according to the specification page 13, lines 19-20, the counter is counted up when there is no change in the learned value.
 - b. In claim 4, line 8, the claimed “if there is *to* change in the learned value” should be corrected to “if there is no change in the learned value” as explained in claim 3 above.

Allowable Subject Matter

3. Claims 3-4 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

4. The following is an examiner's statement of reasons for allowance:

Prior arts of record does not teach an abnormality detecting apparatus for an automatic speed changer set forth in claims 3-4. Specifically, prior arts of record does not teach a learned value change supervision controlling means and an abnormality detection controlling means; the learned value change supervision controlling means supervises a change in the learned value of the learn controlling means, if there is no change in the learned value, the learned value change supervision controlling means counts up the learned value non-change counter, the learned value change supervision controlling means stores the learned value as converged when the value of the learned value non-change counter is not less than a predetermined value; the abnormality detection controlling means determines and stores a condition as abnormal when the learned value is changed again after the judgment that the learned value change has been once converged by the learned value supervision controlling means. Further, according to claim 3, the abnormality detection controlling means set a threshold value after the convergence of the learn when a predetermined threshold value after the convergence of the learn has not been set, and if the threshold value after the convergence of the learn has been set, the abnormality detection controlling means stores a condition as being abnormal when the current learned value exceeds the set threshold value after the convergence of the learn. And according to claim 4, the abnormality detection controlling means judges whether the change direction of the learned value of the current case is the same as or reverse to that of the previous case, the abnormality detection

controlling means counts up a learned value change direction reversing number counter when the change direction is reverse, and the abnormality detection controlling means stores the condition as abnormal when the value of the learned value change direction reversing number counter is not less than a predetermined value.

Remarks

Non-elected claims 1, 5-6 should be formally cancelled, and should be explicitly stated in the “listings of claims section” in the next correspondence.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 305-7687 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703) 305-7687 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1111.


THU V. NGUYEN
PRIMARY EXAMINER
December 17, 2003